

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 04-425-01 (Tucker, J.)**

**V.** : **DATE FILED 07/23/04**

**FRANK BERRYMAN** : **VIOLATIONS:**

: **18 U.S.C. § 922(g)(1) (convicted felon in**

: **possession of a firearm - 1 count)**

: **18 U.S.C. § 922(j) (possession of a stolen**

: **firearm - 1 count)**

: **21 U.S.C. § 844(a) (possession of cocaine**

: **base (“crack”) - 1 count)**

: **Notice of Additional Factors**

: **Notice of Forfeiture**

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**INDICTMENT**

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**COUNT ONE**

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**THE GRAND JURY CHARGES THAT:**

On or about March 24, 2004, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**FRANK BERRYMAN,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Colt .45 caliber semiautomatic handgun, Model 1911A1, serial number 809018, loaded with seven live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 24, 2004, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**FRANK BERRYMAN**

knowingly possessed a stolen firearm, that is, a Colt .45 caliber semiautomatic handgun, Model 1911A1, serial number 809018, loaded with seven live rounds of ammunition, which had been shipped and transported in interstate commerce before it was stolen, knowing and having reasonable cause to believe the firearm was stolen.

In violation of Title 18, United States Code, Section 922(j).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 24, 2004, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**FRANK BERRYMAN**

knowingly and intentionally possessed a mixture or substance containing a detectable amount of  
cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 844(a).

**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offenses charged in Counts One and Two of this indictment, defendant **FRANK BERRYMAN**:

a. Committed an offense in which a firearm was stolen, as described in U.S.S.G. § 2K2.1(b)(4).

b. Was under a criminal justice sentence, that is, probation and parole, as described in U.S.S.G. § 4A1.1(d).

c. Had been released less than two years from imprisonment, as described in U.S.S.G. § 4A1.1(e).

**NOTICE OF FORFEITURE (18 U.S.C. § 924(d))**

As a result of the violations of Title 18, United States Code, Sections 922(g)(1) and 922(j) set forth in Counts One and Two of this Indictment, the defendant

**FRANK BERRYMAN**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of this offense, including, but not limited to:

- (1) One Colt .45 caliber semiautomatic handgun, Model 1911A1, serial number 809018, and
- (2) Seven live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

\_\_\_\_\_ **A TRUE BILL:**

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\_\_\_\_\_ **GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY\_\_**